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Company. There was a judgment for plaintiff, and defendant brings error. Affirmed.

*H. W. Anderson, A. B. Guigon, and T. Justin Moore*, all of Richmond, for plaintiff in error.

*O'Flaherty, Fulton & Byrd*, of Richmond, for defendant in error.

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PERKINS *v.* SOUTHERN RY. CO.

March 11, 1915. Rehearing Denied June 10, 1915.

[85 S. E. 401.]

**1. Railroads (§ 350\*)—Accident at Crossing—Question for Jury—Contributory Negligence.**—In an action for injury at a crossing, where defendant's negligence in failing to give the statutory signals was conceded, held, on conflicting evidence involving the intelligence and veracity of witnesses, that plaintiff's contributory negligence was for the jury.

[Ed. Note.—For other cases, see Railroads, Cent. Dig. §§ 1152-1192; Dec. Dig. § 350.\* 4 Va.-W. Va. Enc. Dig. 143; 14 Va.-W. Va. Enc. Dig. 300; 15 Va.-W. Va. Enc. Dig. 242.]

**2. Railroads (§ 346\*)—Accident at Crossing—Burden of Proof—Contributory Negligence.**—In an action for injuries at a crossing, the burden of establishing plaintiff's contributory negligence was on the defendant.

[Ed. Note.—For other cases, see Railroads, Cent. Dig. §§ 1117-1123; Dec. Dig. § 346.\* 4 Va.-W. Va. Enc. Dig. 142; 14 Va.-W. Va. Enc. Dig. 299; 15 Va.-W. Va. Enc. Dig. 247.]

Error to Circuit Court, Pittsylvania County.

Action by one Perkins against the Southern Railway Company. Judgment for defendant, and plaintiff brings error. Reversed, and judgment entered for plaintiff for the amount provisionally awarded by the verdict.

*Volney E. Howard* and *Wm. M. Murrell*, both of Lynchburg, for plaintiff in error.

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NORFOLK SOUTHERN R. CO. *v.* WHITEHURST.

June 10, 1915.

[85 S. E. 458.]

**Carriers (§ 32\*)—Interstate Commerce—Preferences—Right of Shippers.**—The rules of the Interstate Commerce Commission, formulated pursuant to U. S. Comp. St. Supp. 1911, c. 1 (U. S. Comp. St.

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.